

THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE:

FEYSAL AYATI-GHAFFARI  
XXX-XX-9420  
2301 ALL SAINTS LANE  
PLANO, TX 75025

DEBTOR

§  
§  
§  
§  
§  
§  
§

CASE NO. 18-41997-R

CHAPTER 13

MOTION TO DISMISS AND SETTING HEARING

**THE TRUSTEE REQUESTS THE COURT TO SET THIS MOTION FOR HEARING ON October 24, 2018, AT 10:00 am AS FOLLOWS:**

**Plano Bankruptcy Courtroom  
660 North Central Expressway  
Third Floor  
Plano, Texas 75074**

COMES NOW Carey D. Ebert, Chapter 13 Trustee, and files this Motion to Dismiss and Setting Hearing in the above numbered and styled proceeding, and for cause would show the Honorable Court as follows:

1. The Debtor is not eligible to be a debtor because the Debtor has not received an individual or group briefing from an approved nonprofit budget and credit counseling agency during the 180-day period preceding the filing of the bankruptcy petition.

2. The Debtor has unreasonably delayed the case because the Debtor has failed to make Chapter 13 plan payments as required by 11 USC §1326(a)(1). Failure to perform this duty constitutes an unreasonable delay by the Debtor that is prejudicial to creditors under 11 USC §1307(c)(1) and amounts to a material default of a confirmed plan under 11 USC §1307(c)(6), and thus cause exists for dismissal.

3. Failure to comply with 11 USC §109 is cause for dismissal.

WHEREFORE, PREMISES CONSIDERED, Carey D. Ebert, Chapter 13 Trustee, prays that this case be dismissed for cause.

Respectfully submitted,

/s/ Carey D. Ebert

Carey D. Ebert, Chapter 13 Trustee, TBN 05332500  
Office of the Standing Chapter 13 Trustee  
500 North Central Expressway, Suite 350  
Plano, Texas 75074  
(972) 943-2580 / Fax (972) 943-8050

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Motion to Dismiss and Setting Hearing has been served upon the following parties in interest by mailing a copy of same to them via first class mail and uploaded to the Court for service by the Bankruptcy Noticing Center to the parties on the Court's mailing matrix on the date set forth below.

FEYSAL AYATI-GHAFFARI  
2301 ALL SAINTS LANE  
PLANO, TX 75025

Dated: October 03, 2018

/s/ Carey D. Ebert

Office of the Standing Chapter 13 Trustee